

March 31, 2005



Ms. Kathleen M. Finn
United States Department of Agriculture
Marketing Order Administration Branch, Fruit and Vegetable Programs
1400 Independence Avenue SW
Stop 0237
Washington, DC 20250-0237

Re: Repeal of Anti-Fruit Dumping Reforms---
Proposed Rules, Federal Register, Vol. 70.
No. 18, January 28, 2005, Proposal Number 13a and 13b

Dear Ms. Finn:

The Prevention Institute recently learned of the USDA's proposal to allow USDA to limit the supply of nectarines and peaches and we are writing to express our strong opposition to the proposed amendments to 7 C.F.R. sections 916.52 and 917.41 contained in Proposals 13a (nectarines) and 13b (peaches) of the January 28, 2005 Notice of Proposed Rulemaking.

As an organization dedicated to preventing health problems before they occur, we view access to fresh fruit for low-income consumers as an essential part of maintaining a healthy lifestyle. We find that the proposed amendments particularly harm low-income consumers by restricting the supply of perfectly edible, nutritious fruit in the marketplace. Additionally, the proposed amendments will roll back the progress of agencies and organizations throughout the country that are presently working to encourage people to eat more fresh fruit. We at the Prevention Institute feel that no government agency should deny consumers the right to purchase less expensive and equally nutritious fruit and we strongly urge you to withdraw the proposed amendments.

For the last eight years, our organization has been involved in researching and promoting the link between access to healthy food and good nutrition. As you are probably aware, unhealthy eating is a major contributor to unnecessary death and disability in the United States, particularly among low-income consumers. Each year hundreds of thousands of deaths due to preventable causes occur- including nearly 365,000 deaths due to poor diet and inactivity. Nutrition-related diseases that once almost entirely affected adults are now being seen in children at ever younger ages.

Given the tremendous social costs of diet-related diseases in terms of lost lives, productivity, and quality of life, it is critical that the government adopt policies that support healthy eating. Every opportunity should be taken to increase, rather than restrict, the supply of healthy, fresh produce in order to improve consumer diets. The proposed statutory changes will accomplish exactly the opposite. By allowing the removal of utility grade and other grades of fruit from the marketplace, they will increase prices. There is good research that shows people buy healthier foods when they are lower cost. Implementing restrictive standards would create an unnecessary barrier for people to consume the two cups of fruit per day recommended in the USDA - DHHS 2005 Dietary Guidelines for Americans.

The proposed amendments set up road blocks to the progress being made at the state level to increase the consumption of produce. Prevention Institute coordinates the Strategic Alliance for Healthy Food and Activity Environments. Our coalition has been working to ensure that healthy, fresh, affordable foods are available to all Californians in schools, workplaces, and homes. We oppose the proposed changes as they will disproportionately impact low-income consumers, since their ability to afford fresh produce will be reduced at the same time that they are at higher risk for disease.

Further, the proposed change in regulations opens the door to limiting the supply of other produce in order to prop up prices. Once a precedent is set that the USDA is using marketing orders to limit the supply of fresh produce, it opens the door for other producers to request regulatory changes for their fruits or vegetables.

In summary, allowing the removal of utility grade and other grades of fruit from the marketplace and leaving it to rot in dumps because it does not meet arbitrary standards flies in the face of current public health efforts. It was the images of healthy fruit rotting in dumps that sparked the public outrage over policies to artificially maintain high fruit prices in the 1990s. The changes the proposed amendments suggest will have the same effect and likely revive the same public anger. Also, the general public will remember the issue of fruit dumping and will wonder why the USDA has brought the issue back into the public spotlight when it had been effectively dealt with. The case against fruit dumping has already been fought and won and it is unlikely that the public will look favorably on agency protectionism at the expense of low-income consumers.

Based on our experience preventing health problems and promoting healthy lifestyles, the proposed amendments not only harm the health of low-income consumers, but they also contradict the USDA's stated policies to increase fruit consumption.

We strongly urge you to withdraw the proposed amendments.

Sincerely,



Leslie Mikkelsen, MPH, RD
Managing Director